

ate adjourn until 10:30 o'clock a. m. tomorrow.

Question first receiving on the motion of Senator Vick, it prevailed.

The Senate, accordingly, at 6:10 o'clock p. m., adjourned until 10:30 o'clock a. m. Monday, May 28, 1945.

SEVENTY-SEVENTH DAY

(Monday, May 28, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Ramsey
Carney	Shivers
Chadick	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 24, 1945, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Morris and Crawford were granted leaves of absence for today on account of important business on motion of Senator Winfield.

Senators Mauritz and Parrish were granted leaves of absence for today on account of illness on motion of Senator Winfield.

Reports of Conference Committee on House Bill 121

Senator Stone submitted the following report of the conference committee on House Bill No. 121:

Austin, Texas,
May 23, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 121, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

STONE
MOORE
WINFIELD
SHIVERS
WEINERT

On the part of the Senate.

ISAACKS
BOND
PEARSON
GRAY
HOYO

On the part of the House.

H. B. No. 121

A BILL
To Be Entitled

An Act to amend Articles 3386, 3576, 4141, 4201 and 4216 of the Revised Civil Statutes of Texas relating to bonds of administrators and guardians; repealing all laws in conflict herewith; and declaring an emergency:

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 3386 of the Revised Civil Statutes of Texas be so amended as to hereafter read as follows:

"Art. 3386. Before the issuance of letters testamentary or of administration, the person to whom letters are granted, shall enter into bond, to be approved by, and payable to the county judge of the county, in such penalty as he may direct in an amount, if the sureties be natural persons, equal to double the estimated value of the personal property belonging to such estate, plus a reasonable amount to be fixed at the discretion of the county judge, to cover rents, revenues, and income derived from renting or use of real estate belonging to such estate but if the surety or sureties on said bond be either a domestic or foreign corporation, or corporations, permitted to do business in the State

of Texas for the purpose of issuing surety, guaranty or indemnity bonds, guaranteeing the fidelity of Executors, Administrators and Guardians, then such bond shall be in an amount equal to the estimated value of the personal property belonging to such estate, plus a reasonable amount to be fixed at the discretion of the county judge to cover rents, revenues and income derived from the renting or use of real estate belonging to such estate; provided, in case of a temporary administrator, the bond shall be in such sum as the county judge may direct. The cost of any such bond of an executor or administrator, executed by a domestic or foreign corporation authorized to do business in Texas as hereinabove provided, may be paid out of the estate being administered."

Sec. 2. That Article 3576 of the Revised Civil Statutes of the State of Texas be amended to hereafter read as follows:

"Arts. 3576. Whenever any property of an estate is ordered to be sold by the county judge, such order shall be entered upon the minutes of the court, shall describe the property to be sold, the time and place of sale, and the terms of said sale, and shall require the executor or administrator to file a good and sufficient bond, subject to the approval of the court, and if the sureties on said bond are natural persons, same shall be in an amount equal to twice the amount for which such real estate is sold, but if the surety on said bond is either a domestic or foreign corporation permitted to do business in this State for the purpose of issuing surety, guaranty or indemnity bonds guaranteeing the fidelity of executors, administrators and guardians, same shall be equal to the amount for which such real estate is sold, plus any additional sum the court shall find necessary and fix for the protection of said estate; provided that where the sale of such real estate is made to the owner or holder of a secured claim against the estate the sale of the real estate securing such claim, and is in full payment, liquidation and satisfaction thereof, no bond shall be required except for the amount of cash, if any, actually received by such executor or administrator in excess of the amount necessary to pay, liquidate and satisfy such claim in full.

Sec. 3. That Article 4141, Chapter 4, Title 69 of the Revised Civil Stat-

utes of Texas be amended to hereafter read as follows:

"Art. 4141. The bond of the guardian of the estate of a ward shall be in an amount equal to the estimated value of the personal property belonging to such estate, plus a reasonable amount to be fixed by the county judge, to cover rents, revenues and income derived from the renting or real estate belonging to such estate, together with any additional sum that may be found necessary by the county judge to protect such estate, provided such bond is made by either domestic or foreign corporations permitted to do business in this State for the purpose of issuing surety, guaranty, or indemnity bonds guaranteeing fidelity of executors, administrators, and guardians. However, if personal bonds are filed, the bond shall be in double the value of the above described property, provided however, that in instances where the ward will receive moneys in installments from any source or periodical payments of any character, the county judge shall only require the guardian to give bond in double the amount of the installments estimated to actually come into the ward's estate during any year, and thereafter bond shall be fixed and given in accordance with the provisions of this Article and all general laws. Such bond shall be payable to and approved by the county judge of the county where such guardianship is pending, and conditioned that such guardian will faithfully discharge the duties of guardian of the estate of such ward according to law. It shall be the duty of such county judge to use reasonable diligence in the supervision of the estate of the ward, and shall annually examine into the condition of the estate of the ward, and the solvency of such guardian's bond and to require such guardian at any time it may appear that such bond is not ample security to protect such estate and the interests of his ward, to execute a new bond in accordance with law. In such case, he shall notify the guardian as in other cases; and should damage or loss result to such ward through the failure of such county judge to use reasonable diligence in the performance of such duties, such county judge shall be liable on his official bond to such ward."

Sec. 4. That Article 4201, Revised

Civil Statutes of Texas be so amended as to hereafter read as follows:

"Article 4201. An order for the sale of real estate shall state: (1) The property to be sold, giving such description of it as will identify it. (2) Whether it is to be sold at public auction or at private sale, and if at public auction, the time and place of such sale. (3) The necessity and purpose of such sale. (4) That no sale made by the guardian pursuant thereto shall be confirmed nor shall the title of the ward to such real estate pass to the purchaser unless and until it shall first be found and determined by the court, by an order duly made and entered to that effect, that the guardian's general bond, if the sureties thereon are natural persons, is in an amount equal to double the value of the personal property then on hand, including the amount for which said real estate may be sold, plus such additional sum as may, in the opinion of the court, be necessary to protect the estate of the ward, and that the sureties on such bond are solvent; but if the surety or sureties on said bond are either a domestic or foreign corporation or corporations permitted to do business in the State for the purpose of issuing surety, guaranty, or indemnity bonds, guaranteeing the fidelity of guardians, the bond shall be in an amount equal to the value of the personal property on hand, including the amount for which said real estate may be sold, plus such additional sum as may, in the opinion of the court, be necessary to protect the estate of the ward; provided in the event the guardians' general bond is not sufficient to protect the estate of the ward as above required, an additional bond shall be filed in accordance with the above requirements, however, where the sale of such real estate is made to the owner or holder of a secured claim against the estate and the same is of the real estate securing such claim and is in full payment, liquidation, and satisfaction thereof only the amount of cash, if any, actually received by such guardian in excess of the amount necessary to pay, liquidate and satisfy such claim in full, shall be considered together with other property of the estate in passing upon the sufficiency of the bond as hereinabove required. (5) It shall require the sale to be made and the report to be returned to the court in accordance with the law."

Sec. 5. That Article 4216 of the Revised Civil Statutes of Texas be so amended as to hereafter read as follows:

"Article 4216. At any time after the expiration of five days after the filing of a report of sale, the Court shall inquire into the manner in which such sale was made, and hear evidence in support of or against such report, and if satisfied that such sale was fairly made and in conformity with the law and that the guardian has on file a good and sufficient general bond in an amount, if the sureties thereon are natural persons, equal to double the value of the personal property then on hand, including the amount for which said real estate is being sold, plus such additional sum as may, in the opinion of the court, be necessary to protect the estate of the ward; but if the surety or sureties on said bond are either a domestic or foreign corporation or corporations permitted to do business in the State for the purpose of issuing surety, guaranty or indemnity bonds guaranteeing the fidelity of guardians the bond shall be in an amount equal to the value of the personal property on hand including the amount for which said real estate may be sold plus such additional sum as in the opinion of the court may be necessary to protect the estate of the ward; and if and when the guardian's general bond has been examined by the Court and found to be in the amount above required with good and sufficient sureties thereon, or if the guardian's general bond is found to be insufficient, then an additional bond shall be filed in accordance with the above requirements, as evidenced by an order duly made and entered by the court to that effect, the court shall cause to be entered a decree confirming such sale, and order the report of sale to be recorded by the clerk, and the proper conveyance of the property sold to be made by the guardian to the purchaser, upon compliance by such purchaser with the terms of sale. The provisions of this Article shall be mandatory, and unless the court shall first determine that the guardians bond is adequate and solvent as above set forth, as evidenced by an order made and entered by the court to that effect, any sale of real estate hereafter made under the provisions of this Title shall be void."

Sec. 6. All laws or parts of laws

in conflict herewith are by this enactment repealed.

Sec. 7. The importance of this legislation and the fact that existing laws regarding bonds of administrators and guardians requires same to be double the amount of the personal property, plus a reasonable amount to be fixed by the county judge for returns, revenues and income of real estate; and the fact that most of such bonds are made by surety companies; and the fact that the premiums thereon are proportionately higher when bonds are in double the amount and the premiums are paid from such estates and such payments frequently entail hardship upon the owners of such estates; and the fact that the present law governing bonds of guardians where the ward's estate consists of an asset payable in installments over a period of years, requires the bond of such guardian to be in double the amount of the entire value of said asset; and the near approach of the end of the session creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Stone, the report was adopted.

(President pro tempore in the Chair.)

Message from the Governor

At the direction of the President pro tempore the following message from the Governor was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 24, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Pilot Commissioners for Sabine Bar, Pass and Tributaries for two year terms to expire June 15, 1947:

L. W. Hustmyre of Orange, Orange County.

The House has concurred in Senate amendments to House Bill No. 56 by a vote of 97 yeas and 9 nays.

T. T. Hunt of Beaumont, Jefferson County.

A. M. Phelan of Beaumont, Jefferson County.

R. D. Steele of Port Arthur, Jefferson County.

Neal D. Rader of Port Arthur, Jefferson County.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Motion to Place Senate Joint Resolution 12 on Third Reading

Senator Spears moved that the regular order of business be suspended and that S. J. R. No. 12 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin	Martin
Brown	Metcalfe
Bullock	Spears
Chadick	Stanford
Graves	Taylor
Kelley	Vick
Lane	Winfield
Lanning	

Nays—10

Carney	Shivers
Hazlewood	Stone
Knight	Sulak
Moore	Weinert
Ramsey	York

Absent

Jones	Moffett
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Absent—Excused

Crawford	Morris
Mauritz	Parrish

(President in the Chair.)

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 28, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 96, Granting permission to O. O. Franklin to bring suit

against the State of Texas and against the Highway Department of the State of Texas.

H. C. R. No. 107, Requesting return of House Bill No. 849.

H. B. No. 283, A bill to be entitled "An Act authorizing the establishment of an agricultural experiment station in Wichita County, Texas, for experimentation in the propagation and cultivation of farm crops without the aid of irrigation; placing control and supervision in the Board of Directors of A. & M. College as in the case of other experiment stations; authorizing the acceptance of gifts; appropriating \$75,000.00; and declaring an emergency."

H. B. No. 287, A bill to be entitled "An Act to designate and fix the last Friday in February of each year as 'Texas Temperance Day'; and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act empowering and directing the Board of Regents of the University of Texas to establish and maintain a department for affording training to students desirous of becoming social workers; defining the aims of such department and prescribing its standards; making an appropriation for the establishment and operation of such department; and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act making certain emergency appropriations for the Department of Agriculture incident to the administration and enforcement of the Pink Bollworm Law, and declaring an emergency."

H. B. No. 878, A bill to be entitled "An Act to amend Articles 3108, 3111, 3112 as amended by the Regular Session of 1943, 3113, 3115, and 3117, and declaring an emergency."

H. B. No. 880, A bill to be entitled "An Act repealing House Bill No. 960, 47th Legislature, applicable to counties of a population between Thirty-eight Thousand (38,000) and Thirty-eight Thousand Three Hundred Twenty-five (38,325).

H. B. No. 879, A bill to be entitled "An Act making an appropriation of Ten Thousand Dollars (\$10,000.00) to the enforcement fund of the Live-

stock Sanitary Commission; and declaring an emergency."

S. B. No. 235, An Act providing for fixing the salaries of the Justices of the Supreme Court, the Judges of the Court Criminal Appeals, the Judges of the Supreme Court Commission of Appeals, and the Judges of the Commission in Aid of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and of the Criminal District Courts of the State of Texas.

The House has concurred in Senate amendments to House Bill No. 292 by a vote of 104 yeas.

The House has concurred in Senate amendments to House Bill No. 633 by a vote of viva voce.

The House has adopted the Conference Committee Report on House Bill No. 121 by a vote of viva voce.

S. C. R. No. 33, Authorizing the return of S. B. No. 246 from the Governor's Office, etc.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

(President in the Chair.)

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read and referred to the committees indicated:

H. B. No. 298, to Committee on Finance.

H. B. No. 880, to Committee on Counties and County Boundaries.

H. B. No. 879, to Committee on Finance.

H. B. No. 878, to Committee on Privileges and Elections.

H. B. No. 533, to Committee on Finance.

H. B. No. 287, to Committee on State Affairs.

H. B. No. 283, to Committee on Finance.

Bills and Resolutions Signed

The President signed in the presence of Senate, after giving due notice thereof, the following bills and resolutions:

H. B. No. 633, "An Act to amend Article 1373, Penal Code of 1925, and

increasing the penalty for a violation thereof, and declaring an emergency."

H. B. No. 628, "An Act amending Section 1, Section 4, and Section 5, repealing Section 8, and adding a new Section to be known as Section 3a, of Article 7047b, Revised Statutes of Texas, said Article being Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 8, as amended by Chapter 3 and Chapter 4 of Subdivision II of the title 'Taxes of Taxation' of the Acts of the Regular Session of the Forty-sixth Legislature, as amended by Sections 1, 4, 5, and 8 of Article II, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature; providing for the adding of a new Section to be known as Section 3-a, providing for the finding of market value of gas by the Comptroller, and an appeal from the findings; providing a saving clause; providing that all taxes, penalties, and interest accruing to the State of Texas by virtue of any prior or existing tax laws before the effective date of this Act shall be preserved and shall remain valid and binding obligations and all liens and other obligations created shall remain in full force and effect; providing that this Act shall take effect and be in force on the first day of the month following its passage; and declaring an emergency."

H. B. No. 586, "An Act amending Chapter 328, General Laws of the State of Texas, of the regular session of the 44th Legislature, by re-writing Section 9-a, to require commercial motor vehicles to carry warning signal equipment, adding red reflect reflectors for use as such, and declaring an emergency."

H. B. No. 544, "An Act amending Section One (1) of Article 5949, Vernon's Civil Statutes of Texas, as amended; providing for the appointment of Notaries Public for each county of the State of Texas by the Secretary of State; providing the time of such appointments and when the terms of all appointments made shall end; and declaring an emergency."

H. B. No. 411, "An Act to amend Article 7059, Revised Civil Statutes

of Texas, as amended by the acts of the 45th Legislature, Third Called Session, Chapter 36, so as to provide for an occupation tax from telegraph companies and the time and method of collecting same."

H. B. No. 410, "An Act to amend Chapter 292, Acts of the Regular Session of the Forty-first Legislature, as amended by Chapter 584, Acts of the Regular Session of the Forty-seventh Legislature, the same being entitled 'An Act to aid the City of Port Arthur, Texas, situated in Commissioner's Precinct Number 2 of Jefferson County, Texas, in constructing and maintaining sea walls, breakwaters and shore protection in order to protect said City from calamitous overflows, by donating to its eight-ninths (8/9) of ad valorem taxes collected on all property, both real and personal in Commissioner's Precinct Number 2 of Jefferson County, Texas, for a period of twenty (20) years, providing a penalty for misapplication of the moneys thus donated; and declaring an emergency' by extending the provisions of said Act for a period of twelve (12) years from September 1, 1949; providing for primary drainage systems; authorizing the refunding of the City of Port Arthur a certain sum heretofore paid by said City; making provisions with reference to certain homestead exemptions; providing a saving clause; and declaring an emergency."

H. B. No. 292, "An Act amending Article 2700, Revised Civil Statutes, 1925, as amended by H. B. 328, Acts of the Forty-third Legislature, Regular Session, 1943, pertaining to the salaries of the 48th Legislature, Regular Session of elective county superintendents and to office and traveling expenses; providing for salaries of county superintendent in counties having less than eight thousand and one (8,001) scholastic population under certain conditions; providing for assistants to the county superintendent; providing for the employment of assistants to the county superintendents in counties having a population of more than one hundred thousand (100,000) according to the last Federal census; providing for supervisors and their compensation; providing for the manner of payment of county administration expenses; providing for budgets for the purpose; providing for administration of the Act; repealing all general laws in conflict herewith

except such general laws as provide paid out of the general revenue of for a part of the office expense to be the county; declaring an emergency."

H. B. No. 237, "An Act appropriating to the Department of Texas of the United Spanish War Veterans the balance of the funds now in the State Treasury, deposited by the United States in 1898 with the State of Texas to pay the enlisted men who entered the Volunteer Army of the War with Spain."

H. B. No. 56, "An Act amending Chapter 13, Acts of the Third Called Session of the 42nd Legislature, as amended; declaring the policy of the State with reference to building, maintaining, and financing State designating roads; declaring the policy of the State with reference to the construction of roads which are ancillary to but are not State designated highways; defining certain terms used throughout the Act; continuing the Board of County and District Road Indebtedness and prescribing the powers, duties and obligations of said Board; etc., and declaring an emergency."

Message from the Governor

At the direction of the President, the following message from the Governor was read at this time:

Austin, Texas,
May 28, 1945.

To the Forty-ninth Legislature:

I am returning herewith House Bill No. 538 to the House of Representatives without my approval. My objections to the bill arise from a belief that it is unconstitutional.

It is my opinion that this bill falls within the category of those usually referred to as bracket bills which have been repeatedly held by the courts to be violative of Constitutional provisions. Among other cases, Bexar County vs. Tynan, 97 S. W. (2nd) 467; Miller vs. El Paso County, 150 S. W. (2nd) 1000.

In the message which accompanied the return of House Bill No. 167 to the

48th Legislature, and which appears in Senate Journal, page 286, and House Journal, page 581, the objections to similar legislation and the authorities supporting them are more fully referred to. I know of no subsequent opinions which overrule or modify the decisions in the cases cited.

Sincerely believing the bill to be invalid, it becomes my duty to return it to the House without my approval.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Motion to Place House Bill 12 on Passage to Third Reading

Senator Ramsey moved that the regular order of business be suspended and that House Bill No. 12 be placed on its passage to third reading; the bill having been read second time on May 22, 1945.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Ramsey
Hazlewood	Spears
Kelley	Taylor
Knight	Weinert
Lanning	Winfield
Martin	

Nays—10

Chadick	Stanford
Graves	Stone
Jones	Sulak
Lane	Vick
Shivers	York

Absent—Excused

Crawford	Morris
Mauritz	Parrish

Report of Conference Committee on House Bill 23

Senator Graves called up for consideration at this time the report of the conference committee on House Bill No. 23; the report having been submitted on May 23, 1945, and printed

in the Journal of that day.

Senator Graves moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—19

Brown	Martin
Bullock	Metcalf
Carney	Moffett
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Taylor
Knight	York
Lane	

Nays—6

Aikin	Vick
Moore	Weinert
Sulak	Winfield

Absent

Lanning	Spears
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Absent—Excused

Crawford	Morris
Mauritz	Parrish

(Pending consideration of the report, Senator Winfield occupied the Chair temporarily.)

(Senator Spears in the Chair.)

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 28, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 861, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Veterans' Affairs, to whom was referred H. B. No. 546, by Hydrick, et al., have

had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

House Bill 840 on Second Reading

Senator Winfield moved that the regular order of business be suspended to take up House Bill No. 840 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Bullock	Moore
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Absent

Brown

Absent—Excused

Crawford	Morris
Mauritz	Parrish

(President in the Chair.)

The President then laid the bill before the Senate on its second reading and passage to third reading:

H. B. No. 840, Providing for the sale and transfer by the Board of Regents of the State Teachers Colleges of certain properties owned by the State of Texas and held and used for the benefit of Sul Ross State Teachers College at Alpine, Texas.

The bill was read second time and was passed to third reading.

House Bill 840 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 840 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Brown
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Bullock	Moore
Carney	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Crawford	Morris
Mauritz	Parrish

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Ramsey
Carney	Shivers
Chadick	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalfe	

Absent—Excused

Crawford	Morris
Mauritz	Parrish

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 25, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has adopted the Conference Committee Report on Senate Bill No. 197 by a vote of 103 yeas and 14 nays. Report attached.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 88. The following conferees have been appointed on the part of the

House: Storey, Fertsch, Suiter, Walker, Senterfitt.

The House has appointed a new conference committee on H. C. R. No. 61; and requests that the Senate appoint a new conference committee. The following conferees have been appointed on the part of the House: Winfree, Bundy, Bond, Chambers, Manford.

The House has refused to concur in Senate amendments to House Bill No. 555 and has requested the appointment of a conference committee to consider the differences between the two Houses: Cousins, Favor, McFarland, Moore of Harris, Messer.

S. B. No. 268, An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas of the sum of Fifty-five Thousand Dollars (\$55,000.00) not otherwise appropriated, to cover the payment of taxes on State Prison Farm lands located in Fort Bend, Brazoria, Harris, Walker, Houston, and Madison Counties now due and unpaid, exclusive of penalties and interest, by the State of Texas to said counties and to the Independent School Districts in which said lands are located, for the years 1939, 1940, 1941, 1942, 1943 and 1944 and to become due for the years 1945 and 1946; authorizing payment of said taxes by the Comptroller of Public Accounts upon proper statements; and declaring an emergency.

H. C. R. No. 108, Memorializing Congress relative to the Federal Social Security.

Respectfully submitted,
CLARENCE JONES,

Chief Clerk House of Representatives.

Motion to Place House Bill 304 on Second Reading

Senator Hazlewood moved that the regular order of business be suspended and that House Bill No. 304 be placed on its second reading and passage to third reading.

The motion was lost by the following vote:

Yeas—9

Chadick	Hazlewood
---------	-----------

Jones
Knight
Moffett
Spears

Stanford
Vick
York

, Nays—17

Aikin
Brown
Bullock
Carney
Graves
Kelley
Lane
Lanning
Martin

Metcalf
Moore
Shivers
Stone
Sulak
Taylor
Weinert
Winfield

Absent

Ramsey

Absent—Excused

Crawford
Mauritz

Morris
Parrish

Conference Committee on House Bill 555

Senator Kelley called for the consideration at this time of the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 555 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate, Senators Brown, Kelley, Aikin, Graves and Stone.

Senate Bill 338 with House Amendments

Senator Metcalfe called S. B. No. 338 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Metcalfe moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Lane, Metcalfe, Hazlewood, Taylor and Shivers.

Report of Conference Committee on House Bill 173

Senator Lanning submitted the following report of the conference committee on House Bill No. 173.

Hon. John Lee Smith, President of the Senate.

Hon. Claud H. Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your conference committee appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 173 have met and had same under consideration and recommend that House Bill No. 173 be passed in the form attached hereto.

LANNING
METCALFE
WINFIELD
TAYLOR

On the part of the Senate.

MORGAN
HUMPHREY
HELPINSTILL
MANFORD
PROFFER

On the Part of the House

[The full text of the bill attached to the report is printed in a supplement to today's Journal.]

On Motion of Senator Lanning, the report was adopted.

Report of Conference Committee on Senate Bill 120

Senator Lanning submitted the following report of the conference committee on Senate Bill No. 120:

Hon. John Lee Smith, President of the Senate.

Hon. Claude H. Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your conference committee appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 120, have met and had same under consideration and recommend that Senate Bill No. 120 be passed in the form attached hereto.

LANNING
AIKIN
BULLOCK
WEINERT
HAZLEWOOD

On the part of the Senate

MORGAN
HUMPHREY
READER
JONES

On the Part of the House

An Act appropriating the sum of One Million Two Hundred Fifty-nine Thousand Fifty-five and 00/100 (\$1,259,055.00) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1945, and ending August 31, 1947, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education and vocational rehabilitation of disabled persons according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations, and limitations relative thereto; making various allocations of said appropriations; authorizing aid to schools in accordance with the conditions specified herein; providing all costs of administering funds named in this act shall be paid out of moneys appropriated in this Act under the authority of the State Board for Vocational Education; providing for acceptance and disbursement of all Federal moneys as may be made available to the State Board for Vocational Education in accordance with plans acceptable to the Federal agency in charge of such funds, defining the powers of the State Board for Vocational Education; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of promoting public interests and matching Federal funds, there is hereby appropriated out of the General Revenue Fund One Million Two Hundred Fifty-nine Thousand Fifty-five and no/100 (\$1,259,055.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1946, and One Million Two Hundred Fifty-nine Thousand Fifty-five and no/100 (\$1,259,055.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1947, to be allotted and expended by the State Board for Vocational Education.

Section 2. The funds appropriated in this Act shall be expended in accordance with all Federal laws and

regulations governing vocational education, providing that in schools where equalization funds are received, vocational agriculture, home economics, and trades and industries and distributive education shall comply with such regulations as set forth in the equalization bill.

Section 3. Provided that vocational agriculture, home economics and trades and industries and distributive education teachers may be paid for twelve (12) months where the superintendent of the school in which they are employed has certified to the State Board for Vocational Education that such teacher is actually engaged in teaching this work twelve (12) months.

Section 4. The State Board for Vocational Education, through its Executive Officer, is hereby authorized to receive and disburse in accordance with plans acceptable to the responsible Federal agency, all Federal moneys that are available to the State of Texas for such purpose as training personnel for national defense industries, and for such other activities as come under the authority of the State Board for Vocational Education.

Section 5. There is hereby allocated and set aside the following amounts for the purpose indicated below:

Vocational Agriculture:	
Four Hundred Ten Thousand Four Hundred	
Twenty-five Dollars...	\$ 410,425.00
Vocational Home Economics:	
Three Hundred Twenty-one Thousand Seven Hundred Fifty-six dollars	321,756.00
Trades and Industries:	
One Hundred Fifty-five Thousand Dollars	155,000.00
Distributive Education:	
Fifty-five Thousand Dollars	55,000.00
Vocational Rehabilitation:	
One Hundred Fifty-four Thousand Three Hundred Seventy-four Dollars...	154,374.00
Rehabilitation for Crippled Children to be expended by the Department of Health:	
One Hundred Sixty-two Thousand Five Hundred Dollars.....	162,500.00
Providing unexpended balances re-	

maining in the funds herein appropriated for vocational services may be re-allocated with the consent of each of the directors and with the approval of the Executive Officer.

The proper officer or officers of any State Departments, bureaus, or divisions of State Agencies are hereby authorized to make application for and accept any gifts, grants, or allotments from the United States government to be used on State Cooperative and other Federal projects and programs in Texas, including construction of public buildings, repairs and improvements. Any of such Federal funds as may be deposited in the State Treasury are hereby appropriated to the specific purpose authorized by the Federal Government, and subject to the limitations placed in this Act. There is hereby appropriated the sum of Two Thousand Five Hundred Dollars (\$2,500.00) state's part or so much thereof as is necessary for the State Board of Education to employ an executive officer; and there is hereby appropriated the sum of One Thousand Four Hundred Fifty Dollars (\$1,450.00) state's part for the State Board of Education to pay director, Distributive Education.

Section 6. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 7. The fact that many schools in this state are desirous of having the services of vocational teachers mentioned in this Act, and the further fact that if the schools receive such services it is absolutely necessary that this appropriation be passed, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Lanning, the report was adopted.

House Concurrent Resolution 80

On motion of Senator Stanford, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 80, Creating a New Texas Centennial Control Commission.

The resolution was read and was adopted.

House Bill 728 on Second Reading

On motion of Senator Stanford, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 728, Providing for the purchase of property known as the French Embassy.

The President laid the bill before the Senate on its second reading.

The bill was read second time and was passed to third reading.

House Bill 728 on Third Reading

Senator Stanford moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 728 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York

Absent—Excused

Mauritz	Parrish
Morris	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Graves
Brown	Hazlewood
Bullock	Jones
Carney	Kelley
Chadick	Knight
Crawford	Lane

Lanning	Stanford
Martin	Stone
Metcalfe	Sulak
Moffett	Taylor
Moore	Vick
Ramsey	Weinert
Shivers	Winfield
Spears	York

Absent—Excused

Mauritz	Parrish
Morris	

(Senator Vick in the Chair.)

House Concurrent Resolution 107

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 107, Requesting the return of House Bill No. 849 from the Governor and providing for a change in the bill.

The resolution was read and was adopted.

Report of Standing Committee

By unanimous consent the following report was submitted at this time:

Austin, Texas,
May 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 598 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

METCALFE, Chairman.

House Bill 861 on Second Reading

Senator Bullock moved that the regular order of business be suspended to take up House Bill No. 861 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Jones
Brown	Kelley
Bullock	Knight
Carney	Lane
Chadick	Lanning
Crawford	Martin
Graves	Metcalfe
Hazlewood	Moffett

Parrish	Sulak
Ramsey	Taylor
Shivers	Vick
Spears	Weinert
Stanford	Winfield
Stone	York

Absent—Excused

Mauritz	Morris
Moore	

The Persiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 861, Relating to per diem allowed County Commissioners of Eastland County.

(President in the Chair)

The bill was read second time and was passed to third reading.

House Bill 861 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 861 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalfe
Brown	Moffett
Bullock	Moore
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York

Absent—Excused

Mauritz	Parrish
Morris	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Bullock
Brown	Carney

Chadick	Moore
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Kelley	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Metcalfe	Winfield
Moffett	York

Absent—Excused

Mauritz	Parrish
Morris	

House Bill 780 on Second Reading

Senator York moved that the regular order of business be suspended to take up House Bill No. 780 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalfe
Brown	Moffett
Bullock	Moore
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York

Absent—Excused

Mauritz	Parrish
Morris	

The President then laid the bill before the Senate on its second reading and passage to third reading:

H. B. No. 780, A bill to be entitled "An Act repealing Chapter 202, Senate Bill No. 507, Special Laws, Regular Session, 42nd Legislature, regulating the taking of turkeys in Robertson County; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 780 on Third Reading

Senator York moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 780 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalfe
Brown	Moffett
Bullock	Moore
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York

Absent—Excused

Morris	Parrish
Mauritz	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 348 on First Reading

Senator Chadick moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalfe
Brown	Moffett
Bullock	Moore
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York

Absent—Excused

Mauritz	Parrish
Morris	

The following bill then was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Chadick:

S. B. No. 348, A bill to be entitled "An Act amending Acts of 1941, 47th Legislature, page 269, chapter 183, and declaring an emergency."

Adjournment

Senator Lane moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Senator Moffett moved that the Senate recess to 2:30 o'clock p. m., today.

Question first recurring on the motion of Senator Lane, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Brown	Moore
Carney	Ramsey
Chadick	Stone
Crawford	Taylor
Knight	Weinert
Lane	Winfield
Martin	York
Metcalf	

Nays—12

Aikin	Moffett
Bullock	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Kelley	Vick

Absent

Lanning

Absent—Excused

Mauritz	Parrish
Morris	

The Senate, accordingly at 12:10 o'clock p. m., adjourned until 10:30 o'clock a. m., to morrow.

SEVENTY-EIGHTH DAY

(Tuesday, May 29, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Mauritz and Parrish were granted leaves of absence for today on account of illness on motion of Senator Winfield.

Message from the Governor

At the direction of the President, the following communication from the Governor was read to the Senate:

Austin, Texas,
May 28, 1945.

To the Senate of the Forty-ninth Legislature.

Complying with Senate Concurrent Resolution No. 33, I am returning herewith Senate Bill No. 246 to the Senate.

Respectfully submitted,
COKE R. STEVENSON.
Governor of Texas.

Report of Standing Committee

Senator Chadick submitted the following report:

Austin, Texas,
May 28, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 348, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.